

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DANIEL MANCHAS, III,	:	CIVIL ACTION NO. 3:16-CV-563
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 22nd day of March, 2019, upon consideration of the report (Doc. 35) of Magistrate Judge Martin C. Carlson, recommending that the court grant the motion (Doc. 14) to dismiss filed by the medical defendants in the above-captioned action, *viz.*, defendants Correct Care Solutions, Wexford Health Services, Inc., Andrew Dancha, Michael Gomes, and Kevin Kollman, and dismiss plaintiff's claims thereagainst for failure to state a claim for which relief may be granted, and further recommending that we either decline to exercise supplemental jurisdiction over or dismiss for failure to state a claim the balance of plaintiff's state-law claims against the non-medical defendants, the Commonwealth of Pennsylvania and the Pennsylvania Department of Corrections, and it appearing that plaintiff has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford "reasoned consideration" to

the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court being in agreement with Judge Carlson’s recommendation, concluding that there is no clear error on the face of the record, and finding that leave to amend would be futile because plaintiff’s constitutional claims as cast are legally rather than factually deficient and thus incurable, see Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002), it is hereby ORDERED that:

1. The report (Doc. 35) of Magistrate Judge Carlson is ADOPTED.
2. The medical defendants’ motion (Doc. 14) to dismiss is GRANTED.
3. The balance of the non-medical defendants’ motion (Doc. 12) to dismiss, held in abeyance by the court’s order (Doc. 26) of February 1, 2017, is GRANTED.
4. Plaintiff’s constitutional and state-law claims against the medical defendants and his remaining state-law claims against the non-medical defendants are DISMISSED for failure to state a claim for which relief may be granted.
5. The Clerk of Court shall close this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania